

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

UNITED STATES OF AMERICA \*  
V. \* Case No: 2:14-cr-00030-wks-1  
MICHAEL KARLBERG \*

SENTENCING  
FEBRUARY 23, 2015  
BURLINGTON, VERMONT

BEFORE:

THE HONORABLE WILLIAM K. SESSIONS III  
District Judge

APPEARANCES:

Barbara A. Masterson, Esq., Assistant United States  
Attorney, P.O. Box 570, Burlington, VT 05402-0570; Attorney  
for the Plaintiff.

David L. McColgin, Esq., Office of the Federal Public  
Defender, 126 College Street, Suite 410, Burlington, VT 05401;  
Attorney for the Defendant.

Court Reporter: JoAnn Q. Carson, RMR, CRR

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1 COURTROOM DEPUTY: This is case number 14-30 United  
2 States of America versus Michael Karlberg. The Government is  
3 present through Assistant United States Barbara Masterson. The  
4 Defendant is present in the courtroom with his attorney David  
5 McColgin. The matter before the Court is sentencing.

6 THE COURT: Okay. Mr. McColgin, have you received a  
7 copy of the presentence report --

8 MR. MCCOLGIN: Yes, Your Honor. I have.

9 THE COURT: -- the report on Mr. Karlberg?

10 MR. MCCOLGIN: I have.

11 THE COURT: Did you see any factual mistakes in the  
12 report?

13 MR. MCCOLGIN: No.

14 THE COURT: All right. Mr. Karlberg, have you read  
15 the report?

16 MR. KARLBERG: Yes, Your Honor.

17 THE COURT: Did you go over the report with Mr.  
18 McColgin?

19 MR. KARLBERG: Yes, Your Honor.

20 THE COURT: Did you see any mistakes in the report?

21 MR. KARLBERG: No, Your Honor.

22 THE COURT: Okay. Ms. Masterson, any errors?

23 MS. MASTERSON: No, Your Honor.

24 THE COURT: All right. I've read the presentence  
25 report. I've read the sentencing memoranda, both the

1 Government and the Defense. I've read both psychological  
2 reports. The attached letters. There are no guideline  
3 application issues.

4 Because of the nature of this particular offense the  
5 production of pornography guideline has to be applied. The  
6 guideline range is in fact 10 years because of the maximum  
7 penalty for this particular offense. So the Defense is  
8 requesting a non-guideline sentence, and I don't think the  
9 Government -- the Government has no objection to that.

10 So how do you wish to proceed? This is, I will say, one  
11 of the most extraordinary presentence reports I have read in 20  
12 years on the bench frankly. Ms. Masterson, I appreciated your  
13 recommendation. I don't see any alternative, you know,  
14 frankly, but --

15 MS. MASTERSON: Right. Well it does create the  
16 interesting question, though, of if the Court chooses not to  
17 impose any incarcerative sentence right now and go straight on  
18 supervised release what happens if he violates. I mean the  
19 usual sanction is putting somebody in jail, and at this time  
20 that doesn't seem to be a tenable or a viable option, but we  
21 are here today which is why I think we can worry about that  
22 later on.

23 I do think very strongly that lifetime supervision is  
24 appropriate here. As I indicated in my papers he is always  
25 going to be autistic, Your Honor, and that's not going to

1 change. The only thing that will change will be the ability to  
2 which he can engage with other people. Right now that -- his  
3 inability to engage and have relationships and basically have  
4 contact with people means that he's low risk for a contact  
5 offense because he just doesn't have the skills to engage with  
6 somebody on a physical direct nature, but he is definitely at  
7 risk for the online offenses and that's always going to be the  
8 case, and frankly as he gets more treatment and is able to  
9 engage one-on-one with people I think his risk of engaging in a  
10 contact offense will be higher. It will increase as he is more  
11 comfortable around people.

12 The only way that we can truly protect the public from the  
13 risk that Mr. Karlberg poses either online or in person is  
14 lifetime because as I started to say he is autistic and that's  
15 just the way that his brain is wired and that's not going to go  
16 away, and he's sexually attracted to children and that's the  
17 way his brain is wired, and the combination of the two means  
18 it's going to last for his entire life, and just because he's  
19 70 he's always going to be sexually attracted to children and  
20 he's going to have the limited engagement powers always because  
21 --

22 THE COURT: Let me -- I mean this is obviously a  
23 delicate issue because you know the children here are 13, 15  
24 years old. He has so many emotional issues. One of them  
25 relates to his level of functioning and, you know, generally --

1 I didn't see it here, but generally you'll see reports in which  
2 the level of functioning is assigned an age, and it could very  
3 well be that his level of functioning is of a 13 to 15-year-old  
4 in light of his intellectual capacity, and then you're in a  
5 situation really of not necessarily an obsession with children.  
6 It becomes more of a peer kind of thing which then suggests  
7 that 20 years down the road where are we?

8 I mean I don't know. I didn't -- I was looking in the  
9 psychological reports for something which, you know, related  
10 his disabilities, in particular the borderline intellectual  
11 capacity, to a maturity level, and so, you know, physically  
12 he's 26-years-old. Maturity-wise I don't know what he is  
13 frankly but --

14 MS. MASTERSON: Well and I appreciate the Court's  
15 point, but let's think about it -- let's throw it into a  
16 different light. Let's say in 20 years he is still functioning  
17 at an emotional or intellectual capacity of a 13-year-old.  
18 He's going to still be attracted to 13-year-olds. What I'm  
19 concerned about is what will happen to the 13-year-olds that  
20 he's communicating with. I mean he may -- may still see them  
21 as peers and that sort of thing but they are not, but they are  
22 going to be victimized by him.

23 We have a number of victims that he has already -- that  
24 he's already had the contact with. So we know what he's  
25 capable of and it doesn't matter how old he is even if that's

1 his target age group. They are the ones that are going to be  
2 damaged when they engage with him, and that is what we have to  
3 protect against.

4 THE COURT: Well right. I just -- but -- so maybe  
5 it's not -- maybe it's not important to try to translate his  
6 intellectual capacity to age if you assume that as he gets  
7 older his intellectual capacity would remain at the equivalent  
8 age of a 13-year-old, but it could very well become older.

9 MS. MASTERSON: It's possible, but I -- in some  
10 respects that's -- I don't know what's going to happen. I  
11 think that is possible.

12 THE COURT: I want to say the other thing that I had  
13 thought about is, you know, to bar use of computers, but I  
14 think the Second Circuit has pretty clearly said that you -- in  
15 today's world you cannot bar somebody from use of computers.  
16 So I guess the standard conditions in regard to computer use  
17 are needed to protect the community.

18 MS. MASTERSON: Well I think there's two points to  
19 that, Your Honor. I mean for Mr. Karlberg's unique situation I  
20 think at this time a computer is a lifeline for him. It's a  
21 way of engaging in ways that he's not capable of doing at this  
22 point.

23 If he were to violate, I think then an appropriate  
24 response would be to bar all computer use. I think that would  
25 be appropriate because then we would have a demonstrated abuse

1 of that, and I would happily defend the Court if you did that.

2 THE COURT: Oh you would, happily?

3 MS. MASTERSON: Here's another point.

4 THE COURT: I don't know. The Public Defenders  
5 Office has gotten a couple of reversals recently and so that  
6 they are sort of on a wave.

7 MS. MASTERSON: Well we have had -- yes, there have  
8 been many appeals back and forth, Your Honor.

9 THE COURT: Right.

10 MS. MASTERSON: I want to make -- if I may, I want to  
11 make another important point though, Your Honor, is that  
12 regardless of how Mr. Karlberg got on to the computer, however  
13 it is he learned to do what he did, he figured out how to  
14 manipulate little girls into masturbating for him on camera and  
15 then he secretly recorded it. He did this with a number of  
16 people, and the conduct that he did with the little girl in  
17 Texas is so chilling to me because -- and the Court read about  
18 it in the PSR where he was chatting with her, got her to sext  
19 him, flash a picture of her breasts for him, and then she gets  
20 freaked out. She unfriends him and then he like figured out,  
21 and he did this on his own and this is where there is a total  
22 disconnect in the Government's view between his level of  
23 intellectual functioning and what he was able to do in that  
24 situation because he then went, adopted the persona, like  
25 hacked, figured out the persona of a friend of hers, and then

1 sent a friend request using that false identity so that that  
2 little girl would think she was friending a real friend, and  
3 then after that he reveals it's me and now you really need to  
4 do what I ought to do.

5 It's at that point that she told her parents and this  
6 whole thing unraveled for him. But that level of manipulation,  
7 deception, coercion, I mean I -- it's amazing that he's an  
8 individual and I -- that has a hard time articulating anything,  
9 but you put him behind a keyboard and he's an absolute bully,  
10 and he's a mean, mean person whose victimized a number of  
11 little girls, and it's what he did to them and what -- shows  
12 what he is absolutely capable of doing and will be capable of  
13 doing that for his entire life because of his autism, and that  
14 is why we think very strongly that he needs to be on lifetime  
15 supervision.

16 THE COURT: Well so he's on lifetime supervision,  
17 that is always subject to Court review. If the probation  
18 officer recommends that he be taken off supervision after a  
19 period of time, you would recognize that the Court could do  
20 that.

21 MS. MASTERSON: I do recognize that, but I think that  
22 right now we don't know where he's going to be in 20 years or  
23 however long it's going to take. If we're in the same  
24 situation where -- because one problem that we have in this  
25 case is that he did not have access to treatment during the



1 first 26 years or 25 years of his life. It was not until after  
2 he was caught in this case that his diagnosis became apparent.  
3 I think it was in 2012 when he was actually appropriately  
4 diagnosed and then he started getting the services, but we  
5 missed a huge window of opportunity to get him -- to bring him  
6 along in his functioning capability and we're not there yet,  
7 and so is he stuck where he is, how much growth is he going to  
8 be able to accomplish because we missed so much time early on.

9 We don't know that which is why I think we -- given the  
10 level of harm that he has perpetuated on little girls and that  
11 he's capable of perpetuating on little girls or inflicting on  
12 little girls that's why I think we need to play it safe and  
13 impose a lifetime. If there is progress where he can actually  
14 -- he can function and not be a potential victimizer, we can  
15 evaluate it at that time, but as another point, though, Your  
16 Honor, that I think is important is that we know that he  
17 persisted in this activity even after being scared by the  
18 police because the Court will recall that after --

19 THE COURT: He was called by the Austin police  
20 officer.

21 MS. MASTERSON: Exactly and he had that long  
22 conversation with him. He didn't turn himself in. Instead he  
23 decompensated and had a meltdown in February of '12 and was put  
24 into the psychiatric hospital for a period of time so that he  
25 could recover, and so we know that that timing is there, but

1 then thereafter I mean he's talked to the police about what  
2 he's doing, he has an appropriate reaction which is to be very  
3 upset about it, but then he goes right back -- once he kind of  
4 recovers he goes right back to work.

5 I wrote down a couple of notes. He had said -- it was on  
6 April 22nd that Detective Raymond interviewed Mr. Karlberg and  
7 took the computer and law enforcement really got involved and  
8 that's about two months after he had the call from the Texas  
9 officer, but the day before he was interviewed by Matt Raymond  
10 he had sent a message to that same Texas girl, and about 10  
11 days or 12 days before Matt Raymond came in is when he engaged  
12 in a very long sexually explicit chat with a minor when he was  
13 pretending to be a 14-year-old.

14 So he has persisted in this criminal activity, highly  
15 inappropriate activity, even after being completely scared by  
16 law enforcement contact, and there's a very short time period  
17 afterwards that -- I mean it was within two months of the call  
18 with the police officer that he's right back in the game.

19 THE COURT: Well that's interesting because when he  
20 goes to Lyndon State -- I mean this reads like a novel. When  
21 he went to Lyndon State he decompensated quickly within a very  
22 short period of time. He's interviewed by many people there  
23 apparently and he does not remember a single interview, right.  
24 So to what extent does he remember what actually was -- was a  
25 part of that confrontation by a law enforcement officer. I

1 don't know. Okay. Well --

2 MS. MASTERSON: And that cuts both ways I think  
3 because if he remembers and he's still going at it, then that's  
4 a problem. But if he doesn't remember, that's possibly an even  
5 bigger problem because then where is the control, the external  
6 control that would cause him to change his behavior.

7 THE COURT: But on the other hand the psychiatrist  
8 has said that he reacts very well to supervision, to being told  
9 exactly what to do, he's very responsive in that kind of way,  
10 and if supervision is appropriate so that level of control is  
11 managed, then his risk of recidivism is reduced which suggests  
12 that there should be a very lengthy period of supervision.

13 MS. MASTERSON: And I think it should be at this  
14 point for the rest of his life. Thank you, Your Honor.

15 THE COURT: Okay. All right. Mr. McColgin.

16 MR. MCCOLGIN: Thank you, Your Honor. Clearly this  
17 is a very serious offense. It's extraordinarily unusual  
18 factually, as Your Honor has already noted, and I think what  
19 really stands out in terms of the psychosexual evaluation is  
20 the fact that his autism, even though it appears to have  
21 contributed to the offense, it also adds a protective aspect to  
22 it that the Government has already noted, which is that by his  
23 very nature of not wanting to have contact with people he's  
24 very unlikely to have a contact offense.

25 So that what remains is the risk of some online contact as

1 in the facts of this case, and that can be managed and it has  
2 been very successfully managed ever since Mr. Karlberg has been  
3 arrested. His computers were removed. He lost the computers.  
4 He has had access to a computer but only to his mother's  
5 computer and his mother has been very strict with him. Has  
6 made it clear that he can only use that computer when -- at the  
7 kitchen table when she is there. He does not have the password  
8 to that computer. So he can't use it unless she is there and  
9 opens it up first and gets it started for him, and so his  
10 access to the computer at this point is very tightly controlled  
11 and very limited, and there haven't been any problems since he  
12 has been under that level of supervision.

13 If you combine that with supervision from probation in  
14 terms of whatever sorts of controls they would want to put on  
15 the computer to be able to list exactly what internet sites  
16 have been visited, any risk of reoffense is greatly reduced,  
17 and I think Dr. Guidry's conclusion is a warranted conclusion  
18 which is that any risk can be appropriately managed in the  
19 community.

20 In terms of length of supervision I think that lifetime  
21 supervision is excessive. He's just at this point over the  
22 last year been getting the treatment that he needs. He's  
23 getting --

24 THE COURT: Well let me suggest another alternative,  
25 that the Court impose a lifetime of supervision but then make a

1 recommendation that the length of supervision be reviewed let's  
2 say at 20 years and every five-year period thereafter. So that  
3 if after that lengthy period of time a probation officer thinks  
4 that continued supervision is not warranted based on his  
5 changed circumstances, then the probation officer can petition  
6 the Court to remove it.

7 MR. McCOLGIN: That would certainly --

8 THE COURT: We don't know what's going to happen  
9 obviously in 20 years.

10 MR. McCOLGIN: We don't know, but he is --

11 THE COURT: I don't think you will be here and I  
12 certainly will not. So to build in some sort of review process  
13 so that, you know, he's not forced into supervision when it's  
14 no longer needed, but on the other hand if he's benefitting by  
15 supervision and society's benefitting by supervision, then the  
16 probation officer would have the ability to continue it.

17 MR. McCOLGIN: So perhaps a review of the supervised  
18 release every five years.

19 THE COURT: Well not for a while, but --

20 MR. McCOLGIN: Well if it's going to be reviewed, I  
21 would suggest every five years and then -- I would suggest not  
22 waiting 20 years for a review of his supervision, but --

23 THE COURT: Okay. Well as I said I'm not going to be  
24 here in 20 years, and at least I would like to have the impact  
25 of suggesting to probation somewhere down the road, officers

1 whom I will not know at that point, that I felt strongly that  
2 there should be a very lengthy period even before there's a  
3 review, but anyway that's the concept that there would be some  
4 level of flexibility.

5 MR. McCOLGIN: I appreciate that, and, you know, I  
6 think certainly having it built into that concept the notion  
7 that if he's doing well probation could be or supervised  
8 release could be terminated at that point is appropriate. I  
9 would still suggest that 10 years of supervision would be  
10 sufficient for somebody getting treatment, for somebody where  
11 the risks can be so readily managed. I would suggest the 10  
12 years would be sufficient, but if Your Honor is inclined to  
13 impose lifetime, I certainly support the notion of building  
14 into that a periodic review, and I would recommend every five  
15 years.

16 THE COURT: All right. Okay. Does your client wish  
17 to address the Court?

18 MR. McCOLGIN: I've spoken to him about that, Your  
19 Honor. He indicated to me no, but if you would like to address  
20 him directly on that issue --

21 THE COURT: Mr. Karlberg, would you like to say  
22 anything at this point?

23 MR. KARLBERG: No, Your Honor.

24 THE COURT: How are things going at home?

25 MR. KARLBERG: Okay.

1 THE COURT: Do you like your probation officer?

2 MR. KARLBERG: Yeah.

3 THE COURT: Okay. All right. I really appreciate  
4 the thought that's gone into this recommendation from both  
5 sides, in particular the psychological evaluations that suggest  
6 that lengthy period of supervision is the appropriate sentence.

7 The Court will grant the Defendant's request for a  
8 departure based upon extraordinary mental condition and also a  
9 non-guideline sentence under 3553(a), and I want to say that I  
10 agree with the recommendation. My sense is that Mr. Karlberg  
11 suffers from a whole series of disabilities, that if he was in  
12 a prison environment that he would decompensate and become  
13 psychotic within in my estimate five minutes. I was thinking  
14 perhaps one minute, but once he's going through processing that  
15 would be more than he could psychologically handle, and that  
16 he's done well for this lengthy period of supervision.

17 There are signs that are very positive that he could be  
18 controlled so that he would not pose a risk. He's certainly  
19 not a risk of any physical contact because he has difficulty  
20 having any kind of physical contact with other people, but he  
21 does pose a significant risk in the online setting to young  
22 people. So, therefore, my sense is that a lifetime period of  
23 supervision to be reviewed by his probation officer after a  
24 period of 20 years and every five years thereafter to see if  
25 continued supervision is necessary and appropriate, and I think

1 that is the appropriate disposition.

2 So I'm -- let Mr. Karlberg sit for the sentencing at this  
3 point and the Court finds as follows: The offense of  
4 possessing child pornography in violation of 18 U.S.C. Section  
5 2252(a)(4) and (b)(2) occurred on or about April 22nd, 2013.  
6 The guidelines apply. The offense is found in 2G2.2. Because  
7 the offense involved causing minors to engage in sexually  
8 explicit conduct for the purpose of producing a visual  
9 depiction of that conduct or for the purpose of transmitting a  
10 live visual depiction of some conduct cross reference to 2G2.1  
11 is required.

12 Also pursuant to 2G2.1(d)1 since the offense involved the  
13 exploitation of more than one minor part d should be applied in  
14 Chapter 3 as if the exploitation of each minor had been  
15 contained in a single count of conviction. Therefore, the  
16 offense conduct related to the exploitation of each minor  
17 results in the addition of three groups used to derive the  
18 total offense level in this case.

19 Because none of the grouping rules enumerated in 3D1.2  
20 apply each count is treated as a separate group, and the  
21 combined offense level is determined by taking the offense  
22 level applicable to the group with the highest offense level  
23 and increasing the offense level by the amount indicated in the  
24 table in 3D1.4. There are three groups and each group has a  
25 base offense level of 32. Each group has the same specific



1 offense characteristics.

2 Since the offense involved a minor who engaged -- who  
3 attained the age of 12 years but not 16 the offense is  
4 increased by two, and also for the purpose of producing  
5 sexually explicit material or for the purpose of transmitting  
6 such material live the offense involved the use of a computer  
7 or interactive computer service to solicit participation with a  
8 minor in sexually explicit conduct resulting in an increase of  
9 two levels. The adjusted offense level is 36.

10 The multiple count adjustment table under 3D1.4 pursuant  
11 to that the offense level is increased by 3. There's a three  
12 level reduction for acceptance of responsibility. Total  
13 offense level is 36. No criminal history points resulting in a  
14 criminalistic history category of 1. Sentencing range is 188  
15 to 235 months. The statutory maximum is 10 years. The  
16 guideline range is 120 months. The guideline term of  
17 supervised release is five years to life. Probation is not  
18 authorized. The Court departs for the reasons stated earlier  
19 to level 8, criminalistic category 1, sentencing range of 0 to  
20 6 months.

21 It is the sentence of the Court the Defendant be committed  
22 to the custody of the Federal Bureau of Prisons for time served  
23 followed by a life term of supervised release. Conditions of  
24 supervised release are as follows: The Defendant shall not  
25 commit any crimes; federal, state, or local. He shall not

1 possess any illegal controlled substances. He shall abide by  
2 the standard conditions of supervision recommended by the  
3 Sentencing Commission. He shall participate in a mental health  
4 program approved by the U.S. Probation Office. The Defendant  
5 shall contribute to the cost of services rendered in an amount  
6 to be determined by the probation officer based on ability to  
7 pay or the availability of third-party payment.

8 The Court finds the Defendant presents a low risk of  
9 substance abuse and suspends that requirement. He shall not  
10 possess a firearm or other dangerous weapon. He shall  
11 cooperate in the collection of DNA as directed by the probation  
12 officer. He shall participate in an approved program of sex  
13 offender evaluation and treatment which may include polygraph  
14 examinations. Any refusal to submit to such assessment or test  
15 as scheduled is a violation of the conditions of supervision.

16 The Defendant will be required to pay the costs of  
17 treatment as directed by the probation officer. The Court  
18 authorizes the probation officer to release psychological  
19 reports and other presentence reports to the treatment agency  
20 for continuity of treatment.

21 The Defendant shall register as a sex offender in any  
22 state where the Defendant resides, is employed, performs  
23 volunteer service, carries out a vocation, or is a student as  
24 required by the law. He shall provide the probation officer  
25 with access to any requested financial records -- any records

1 such as bills and invoices for credit cards, telephone, and  
2 wireless communication services, television provider services,  
3 and internet service providers.

4 He shall provide the probation officer with a complete and  
5 current inventory of the number of computers used by the  
6 Defendant along with a monthly log of computer access. He  
7 shall not use a computer that has internet access until the  
8 computer use plan is developed and approved by his treatment  
9 provider and/or probation officer. Such plan at a minimum must  
10 require the Defendant to submit a monthly record of internet  
11 use, online screen names, encryption methods, and passwords  
12 utilized by the Defendant. He shall not access any computer  
13 that utilizes any cleaning or wiping software programs. He  
14 shall consent to third-party disclosure to any employer,  
15 potential employer, community service site, or other interested  
16 party as determined by the probation officer if any computer  
17 related restrictions that are imposed. He shall not possess  
18 images or videos depicting sexually explicit conduct involving  
19 adults, child pornography or visual or text content involving  
20 minors which has sexual, prurient, or violent interests as an  
21 inherent purpose.

22 He shall not associate or have contact directly or through  
23 a third party with persons under the age of 18 except in the  
24 presence of a responsible adult who is aware of the nature of  
25 the Defendant's background and who has been approved in a

1 advance by the probation officer. Such prohibited conduct  
2 shall include the use of electronic communication, telephone,  
3 or written correspondence.

4 The Defendant shall avoid and is prohibited from being in  
5 any areas, locations where children are likely to congregate  
6 such as schools, day care facilities, playgrounds, theme parks,  
7 arcades, recreational facilities, or recreation parks unless  
8 prior approval has been obtained from the probation officer --  
9 from the probation officer.

10 The Defendant shall allow at the direction of the  
11 probation officer and at the Defendant's expense the  
12 installation of monitoring hardware or software to monitor the  
13 Defendant's use of a computer system, internet capable devices,  
14 and/or similar electronic devices under the Defendant's  
15 control. He shall not use sexually oriented telephone numbers  
16 or services. He shall have no contact directly or through a  
17 third party with the victim -- victims in this case. Such  
18 prohibited conduct shall include the use of internet, email,  
19 telephone, or written correspondence. He shall submit his  
20 person and any property, house, residence, vehicle, papers,  
21 computer, other electronic communication or data storage  
22 devices or media and effects to search at any time with or  
23 without a warrant by any law enforcement or probation officer  
24 with reasonable suspicion concerning a violation of condition  
25 of supervised release or unlawful conduct by the person and by

1 any probation officer in the lawful discharge of the  
2 Defendant's supervision functions. Such searches may include  
3 removal of such items for purpose of conducting more thorough  
4 inspection. The Defendant shall inform the other residents of  
5 the condition. Failure to submit to a search may be grounds  
6 for revocation.

7 In addition, the Court recommends that the probation  
8 officer review the length of the supervision after a period of  
9 20 years and every five years thereafter, and if the probation  
10 officer at that point determines that supervision should be  
11 terminated, the Court recommends that the probation officer  
12 petition the Court for such a termination. So that's after 20  
13 years and every five years thereafter.

14 The guideline fine range is \$20,000 to \$200,000. He's  
15 demonstrated an inability to pay a fine. All fines are waived.  
16 Special assessment of one hundred dollars is imposed due  
17 immediately.

18 Both the Defendant and the Government may have the right  
19 to appeal this sentence as set forth in Title 18 U.S. Code  
20 Section 3742. If the Defendant is unable to pay the costs of  
21 an appeal, he has the right to apply for leave to appeal in the  
22 forma pauperis and requests the Court to appoint counsel for  
23 him. If the Defendant so requests, the Clerk of Court shall  
24 prepare and file forthwith a notice of appeal on behalf of the  
25 Defendant. Notice of appeal by the Defendant must be filed

1 within 14 days of the date judgment is entered in the docket  
2 pursuant to Rule 4(b) of the Federal Rules of Appellate  
3 Procedure.

4 All right. Anything further from the Government?

5 MS. MASTERSON: Your Honor, excuse me, the Government  
6 moves to dismiss the remaining counts in the indictment in the  
7 interest of justice.

8 THE COURT: That motion is granted. Anything further  
9 from the Defense?

10 MR. MCCOLGIN: Nothing further, Your Honor.

11 THE COURT: Mr. Karlberg and -- well let me ask  
12 Defense counsel. He continues to go to Washington County  
13 Mental Health?

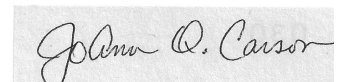
14 MR. MCCOLGIN: Yes. Fours days a week five hours  
15 each day.

16 THE COURT: Okay. All right. Thank you.

17 (Whereupon, the proceeding was  
18 adjourned at 10:07 a.m.)

19 C E R T I F I C A T I O N

20 I certify that the foregoing is a correct transcript  
21 from the record of proceedings in the above-entitled matter.

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1 March 5, 2015

2 Date

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JoAnn Q. Carson, RMR, CRR

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